

MINUTES OF A MEETING OF THE LEMON GROVE CITY COUNCIL

April 17, 2018

The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency.

Call to Order

Mayor Pro Tem Jones announced the meeting would be delayed for five minutes. At 6:07 p.m. Mayor Pro Tem Jones called the meeting to order.

City Councilmembers present: Mayor Racquel Vasquez joined meeting at 6:10 p.m., Mayor Pro Tem Jerry Jones, Councilmember Jennifer Mendoza, Councilmember David Arambula, and Councilmember Matt Mendoza. City Councilmembers absent: None.

City Staff present:

Lydia Romero, City Manager

Mike James, Assistant City Manager/Public Works Dir.

Scott Amos, Lemon Grove Substation Lieutenant

David De Vries, Development Services Director

Arturo Ortuno, Assistant Planner

James Lough, City Attorney

Colin Stowell, Fire Chief

Al Burrell, Interim Finance Director

Mike Viglione, Assistant Planner

Kay Vinson, Interim City Clerk

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember J. Mendoza.

Presentation

Lemon Grove History Minute #17 featured Tom Bell, Public Works Superintendent. As a 35-year employee, advancing from custodian to his current position, he has been involved in the field with projects and increases to staff and equipment. He wished the City a happy 40th birthday and for 40 more good years.

Public Comments:

Brenda Hammond, Lemon Grove, said homeless are not bad people; and she noted some homeless people have their own church.

1. Consent Calendar

A. Ratify Payment of Demands

B. Waive Full Text Reading of All Ordinances on the Agenda

C. Rejection of Liability Claim (G.C. § 54956.95) - Barrington Steven Brown

D. Rejection of Claim (G.C. § 54956.95) – Law Office of Michael John Majdick on behalf of Carla Pastore Hall

E. Rejection of Claim (G.C. § 54956.95) Paulette Martinez

F. Adopt Resolution No. 2018-3568 to Approve Fifth Amendment to Option Agreement Between City of Lemon Grove and the San Diego Community Land Trust for 8084 Lemon Grove Way

- G. Adopt Resolution No. 2018-3569 for Acceptance of State Homeland Security Fiscal Year 2017 Grant (SHSG) Funds in the amount of \$19,284 and Authorize the City Manager to Execute Appropriate Agreements and/or Required Grant Documents**
- H. Adopt Resolution No. 2018-3570 to Uphold Development Services Director's Determination to Deny Zoning Clearance No. ZCM-170-0002; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 3515-21 Harris Street in the General Commercial/Heavy Commercial Zone**

Action: It was moved by Councilmember J. Mendoza and seconded by Mayor Pro Tem Jones to approve Consent Calendar Items 1 A, B, C, D, E, F, G and H as presented. The motion passed by the following vote:
Ayes: Vasquez, Jones, J. Mendoza, Arambula, M. Mendoza
Noes: None

2. Annual Financial Report for Fiscal Year 2016-17

Al Burrell, Interim Finance Director, reported the City's Comprehensive Annual Financial Report (CAFR) received an unqualified (clean) opinion from the auditors. He indicated the staff report also includes: 1) Appropriations Limit Worksheet; 2) Auditor's Communication to City Council; and 3) Report on Internal Control. Mr. Burrell noted the City's Net Position was stable with a .2 percent decline from the previous year, the General Fund unassigned fund balance was \$5.3 million, and the City has a better than recommended ratio of reserves to expenditures of 4.9 months.

Mr. Greg Fankhanel, Van Lant & Fankhanel, LLP confirmed an unqualified (clean) opinion was received on the CAFR. He said the following issues were identified in the Internal Control Report: 1) Accounting Records/Timely Financial Reporting Procedures/Checklists/Analysis/Reconciliations; 2) Segregation of Incompatible Duties; 3) Old Outstanding Checks; 4) Travel Expenses/City Credit Cards; and 5) Allocation of Salaries/Overhead to Restricted Funds.

Councilmember J. Mendoza commented that taken together the five issues in the Internal Control Report were concerning. She reviewed the length of the Finance Manager vacancy, and suggested the City consider re-establishing the position of Finance Director and budget accordingly. City Manager Lydia Romero and Interim Finance Director Burrell responded due to the size of the City a "hands-on" Manager is more appropriate, and the urgency to fill the vacancy is understood.

Councilmember M. Mendoza ascertained there are hundreds of General Ledger accounts needing review, and he agreed an intermediate level person is needed.

Councilmember Arambula requested staff address the items in the Internal Controls Report, establish benchmarks and safeguards and report back to City Council. He also discussed assets, depreciation, discretionary funds, housing, and investments. Arambula complimented staff for the City's solid financial position, saying he is glad for the safety net; and he would like to see the City be more aggressive with discretionary fund investments.

City Attorney James Lough answered tax-exempt bonds may be requested by developers for low-cost housing if the project serves a public purpose.

Mayor Pro Tem Jones clarified issues regarding unfilled positions, incompatible duties, check reconciliation and noticing outdated checks, credit card information, and allocation of salaries from gas tax funds.

Mayor Vasquez thanked the auditors for pointing out the five areas for improved internal controls, and she agreed staff should bring back a report to Council on progress made.

City Manager Lydia Romero replied the 2017/2018 fiscal year budget will be presented to Council prior to the updates from the 2016/2017 audit, so a schedule will be established with the Interim Finance Director for a report back. She emphasized she is very concerned with the vacancy in Finance.

Action: A motion was made by Councilmember Arambula and seconded by Mayor Pro Tem Jones to receive and file the Annual Financial Report for Fiscal Year 2016-17.

The motion passed by the following vote:

Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza

Noes: None

3. City Sponsorship Program

Mike James, Assistant City Manager/Public Works Director, gave the staff report, stating the table is not part of the policy but provides guidance to staff.

Councilmember J. Mendoza proposed adding “cannabis” to the policy that “Advertising or sponsorships will not be accepted from the following parties:

- Companies whose business is substantially derived from the sale or manufacture of tobacco, alcohol, firearms, or cannabis.”

She also advised not to discourage the donation of any amount and perhaps include a smaller scale logo on the website for \$100+ with a thank you card but no event recognition.

Councilmember M. Mendoza compared the funding levels and agreed with scaling logos. He remarked he supports removing firearms from the list of prohibited businesses from event sponsorship.

Councilmember Arambula confirmed the prior title sponsors will not be deterred with the increased amount due to possible new events. He said he likes the simplicity of the new policy and agrees about adding cannabis to the list of prohibited companies.

Mayor Pro Tem Jones countered he is opposed to prohibiting companies from sponsoring City events whose business is substantially derived from the sale or manufacture of medical cannabis, emphasizing the difference between medical and recreational uses. He supported lower level sponsorships.

Mayor Vasquez inquired if the distance requirement for cannabis, alcohol, and tobacco applies to the banners for advertising during the City’s special events or if companies outside the City would be allowed as sponsors. City Attorney James Lough answered the distance restriction would not be applicable since it is not actually the premises for distribution/sale. Mayor Vasquez determined the majority of the City Council agreed to direct staff to add “cannabis” to the list of businesses prohibited from event sponsorship and not to remove firearms.

Action: By consensus, the City Council provided direction to staff to modify the table for sponsorship levels and add cannabis to the list of businesses prohibited from event sponsorship and bring back to the City Council for approval.

4. Appointment of Five Planning Commission Members and Set Terms for Commission Members

Lydia Romero, City Manager, summarized the agenda report.

Councilmember J. Mendoza affirmed the nominated Planning Commissioners all agreed to their individual terms of office, and stipends for Planning Commissioners will be considered during the budget process. In addition, she asked about re-establishing the Community Advisory Commission. Councilmember Arambula asked staff to prepare a letter for all members to sign, thanking the applicants for their interest in serving the City. Mayor Vasquez stressed that due to the extremely qualified applicants the City Council decision was very difficult. She introduced Robert Bailey and Liana LeBaron, who were in the audience.

Action: Mayor Pro Tem Jones moved and Councilmember Arambula seconded to adopt Resolution No. 2018-3571 to Appoint Five Members to the Planning Commission, Setting Initial Terms of Office and Appointing the Initial Chair and Vice Chair as follows:

Robert Bailey, Chair	June 30, 2022
Stephen Brown, Vice Chair	June 30, 2022
Liana LeBaron	June 30, 2021
Jessica Relucio	June 30, 2020
Seth Smith	June 30, 2019

The motion passed by the following vote:

Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza

Noes: None

5. Public Hearing - Approval of the Downtown Specific Plan (General Plan Amendment GPA-180-0001) Authorizing a Comprehensive Amendment to the Downtown Village Specific Plan and Expansion of the Specific Plan Area (219 total acres)

David De Vries, Development Services Director, thanked the City Council; City Staff, specifically Mike Viglione, Assistant Planner; Brian Mooney, Rick Community Planning; and Carolina Ilic, San Diego Association of Governments (SANDAG). Mr. De Vries shared:

- The City conducted extensive community outreach on August 27, 2016, December 10, 2016, City Council Workshop on April 8, 2017 and the noticed Public Hearing this evening.
- The Smart Growth Incentive Program Planning Grant from SANDAG expires May 20, 2018; when the City will no longer be able to reimburse its contractor.
- Comments and Responses were distributed on the Initial Study and Proposed Mitigated Negative Declaration for the Downtown Lemon Grove Specific Plan Project from: 1) Department of Toxic Substances Control, 2) Department of Transportation, and 3) Helix Water District.

Brian Mooney, Rick Community Planning, said he worked on the 2005 Downtown Village Specific Plan, and he said the proposed plan is based on transit-oriented development. He covered the Vision, Environmental Review and Seven Planning Areas including: Transit, Village, Innovation, Broadway, Community History, Civic, Neighborhood Commercial, as well as streets, sidewalks and landscape.

David De Vries, Development Services Director, summarized the Background Report including Land Use, Visual Character, Mobility, Infrastructure, Public Safety, Environmental Issues and Market and Economic Analysis, as well as the community feedback. Mike Viglione, Assistant Planner, displayed the Zoning Map, Vehicular Circulation Map, Bicycle Circulation Map, Gateway Signs and Wayfinding Signs.

Public Hearing: Mayor Vasquez opened the public hearing at 8:00 p.m.

Public Comments:

Paul Shanahan, Lemon Grove, stated he has lived in the outer parameter of the Downtown Specific Plan for 18 years; and in his opinion, 3,000 new residents constituting a 20% bump in City population is too much density for the area.

Robert Leif, 50-year Lemon Grove property owner, feels communication was lacking, the hyperlinks on the City's website did not work, and he asked for help in finding his property on the plan. He thinks bicycle lanes are a fad, and the property-owner interest should have priority over developers.

Nancy Bane, Sorsirs Dev. Inc., commended Rick Community Planning and City staff, imparting the Vision is helpful; and she is looking at projects.

Action: At 8:11 p.m., the public hearing was closed on a motion by Mayor Pro Tem Jones with second by Councilmember Arambula. The motion passed by the following vote:

Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza

Noes: None

Councilmember J. Mendoza deemed it is a great plan, discussed 5-story aspect in the plan, accentuated that Lemon Grove is the only City in the County has met all Regional Needs Assessment housing requirements at all levels (and one of 13 in the State). Regarding Vehicular Circulation, she asked about Class I bikeway and extending the Class II collector from Golden Avenue to Lincoln on Kempf Street.

Councilmember Arambula indicated he had attended the community meetings and stressed community input was genuinely sought and obtained. He thanked the community, Rick Community Planning, and City staff for the transit-oriented plan.

Mayor Pro Tem Jones communicated he was involved as a Councilmember with adoption of the 2005 Downtown Specific Plan. He expressed disagreement with transit-oriented development being the driving force of the plan, emphasizing the plan is not enough about jobs and is all about housing. He opined it is too much density, too quick, causing traffic problems. He conveyed displeasure with 5-story development in existing heavy commercial zones.

Action: Councilmember J. Mendoza and Councilmember Arambula moved to introduce Ordinance No. 449 with title read by the City Attorney approving General Plan Amendment GPA-180-0001, with amendments to the Circulation Map:

1) include Class I bikeway south of Highway 94 between Buena Vista and Lemon Grove Avenue; and

2) extend the Class II collector street design from Golden Avenue to Lincoln on Kempf Street;

authorizing a Comprehensive Amendment to the Downtown Village Specific Plan and Expansion of the Specific Plan Area (219 acres); and certifying Mitigated Negative Declaration ND18-01 The motion passed by the following vote:

Ayes: Vasquez, J. Mendoza, Arambula, M. Mendoza

Noes: Jones

City Manager Lydia Romero recognized David De Vries, Mike Viglione, and Art Ortuno for an outstanding job on the Downtown Village Specific Plan, along with Rick Community Planning. In addition, Mayor Vasquez thanked the many members of the community for their involvement.

City Council Oral Comments and Reports on Meetings Attended at the Expense of the City. (GC 53232.3 (d))

Council J. Mendoza attended the following meetings and events:

- April 6 SANDAG Transportation Committee and discussed mid-coast corridor with improvements at the Pepper Canyon Station funded by University of California San Diego; Transportation Network themes; Electric Vehicle program; Metropolitan Transit System study to raise bus fees and adjust the cost of monthly passes for students and seniors; and reconstruction of Terminal 1 at San Diego International Airport and adding a tram from the trolley to departure terminals
- April 9 League of California Cities luncheon with an update from San Diego County Water Authority and less reliance on Metropolitan Water District.
- April 10 Citizens of Courage luncheon with District Attorney recognizing citizens
- April 11 Interfaith Clergy meeting on homeless outreach by providing portable showers used clothing, and activities at the Promenade on Thursday evenings
- Announced upcoming East County Mayor's Prayer luncheon on May 4
- April 12 League of California Cities Policy Committee meeting on small cell installations
- April 13 Tribal Summit (18 Tribal Nations in San Diego County) with speaker Assembly Member Todd Gloria
- Reception for Toni Atkins, Senate President pro Tempore
- April 16 Soroptimist Award Dinner in celebration of 60 years of service to Lemon Grove

Councilmember Arambula attended the SANDAG meeting on April 6.

Mayor Pro Tem Jones attended:

- Meeting on wastewater
- 1st Friday East County breakfast
- East County Government Affairs meeting
- Metro Joint Powers Authority
- Spoke to San Diego City Council on Pure Water

Mayor Vasquez attended:

- 1st Friday East County breakfast
- League of California Cities City Selection Committee and selected aa representative to the Regional Airport Authority – Bill Wells from El Cajon and alternate Corey Schumacher from Carlsbad
- Soroptimist 60 Year Celebration, highlighting the Soroptimists have donated over \$500,000 to Lemon Grove, and four women were acknowledged with scholarships

City Manager and Department Director Reports (Non-Action Items)

David De Vries, Development Services Director, announced the Community Clean-Up event at 10:00 a.m. on April 21st, kicking off at Civic Center Park.

Mike James, Assistant City Manager / Public Works Director, attended an EPIC (Educational Partnerships for Innovation in Communities) Network meeting and received an award on behalf of the City.

Fire Chief Colin Stowell informed the City Council staff will be participating in a county-wide Wildland Drill at Pala on April 25-27.

Lydia Romero, City Manager, attended the League of California Cities Community Services Policy committee meeting, focusing on recreation. She shared a measure will be on the ballot in June for Clean Water & Safe Parks that will be advantageous to Lemon Grove. Manager Romero introduced Kay Vinson, Interim City Clerk.

City Attorney James Lough praised the technical proficiency of the current Planning staff.

Closed Session:

Conference with Legal Counsel – Existing Litigation (G.C. § 54956.9)

Evan W. Walker, attorney on behalf of Rosa Vazquez

San Diego Superior Court–Central Division Case number 37-2017-00037623-CU-PO-CTL

Action: By consensus, the City Council recessed to closed session for the above item at 9:53 p.m.

Closed Session Report: There was no reportable action from closed session.

Adjournment: The meeting was adjourned.

A. Kay Vinson, Interim City Clerk